



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

MAY 11 2009

Reply to  
Attn of: OWW-130

Mark Premo  
General Manager  
Municipality of Anchorage Water and Wastewater Utility  
3000 Arctic Boulevard  
Anchorage, Alaska 99503-3898

Re: ESA Review for NPDES Permit No: AK-002255-1  
John M. Asplund Water Pollution Control Facility  
Anchorage Alaska

Dear Mr. Premo:

The Environmental Protection Agency (EPA) received your letter dated March 17, 2009, which requested that the Anchorage Water and Wastewater Utility (AWWU) be formally recognized as an "applicant" for the purposes of the anticipated interagency Endangered Species Act consultation regarding reauthorization of the above referenced permit.

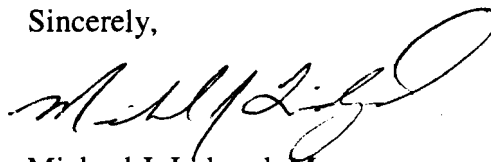
EPA hereby grants "applicant status" to the AWWU for the purposes of Endangered Species Act consultation on the 301(h) waiver determination and permit reauthorization for the John M. Asplund Water Pollution Control Facility. Identification as an applicant means that the Services and the action agency (EPA) have obligations to AWWU as outlined in 50 CFR §402 that shall be met through the following:

- EPA will provide AWWU an opportunity to submit information for consideration during the consultation;
- Timeframes for concluding formal consultation cannot be extended beyond 60 days without AWWU's concurrence;
- AWWU is entitled to review draft biological opinions obtained through EPA and to provide comments through EPA;
- The Services will discuss the basis of their biological determination with AWWU and seek AWWU's expertise in identifying reasonable and prudent alternatives to the action if likely jeopardy or adverse modification of the critical habitat is determined; and
- The Services will provide AWWU with a copy of the final biological opinion.

Please note that the Services do not work directly with or take comments directly from the applicant without the knowledge or consent of the action agency (EPA) as noted

in 50 CFR 402.14(g)(5). If you have any questions, please contact Lisa Olson of my staff at (206) 553-0176.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Lidgard". The signature is fluid and cursive, with a large loop at the end.

Michael J. Lidgard, Manager  
NPDES Permits Unit


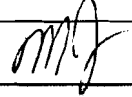
cc: Mark Spano, Municipality of Anchorage  
Brett Jokela, Municipality of Anchorage  
Brad Smith, National Marine Fisheries Service, Anchorage  
Ellen Lance, US Fish and Wildlife Service, Anchorage

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Sincerely,

Michael J. Lidgard, Manager  
NPDES Permits Unit

cc: Mark Spano, Municipality of Anchorage  
Brett Jokela, Municipality of Anchorage  
Brad Smith, National Marine Fisheries Service, Anchorage  
Ellen Lance, US Fish and Wildlife Service, Anchorage

Initials	LMO			
Name	L. Olson	J. Palmer	M. Johnson	
Date	5/6/09	